

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Ed Sisson, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of May 18, 2010 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Jo-Ann Barnett, 676 Hwy 50 #32, commented on the truck route and the decision that Council will make later in the meeting.

Public Hearing:

Mayor Cooper closed the regular meeting and convened a public hearing.

The Clerk explained that House of Chin, Inc. has submitted a beer and wine liquor license application. She stated that she has reviewed the application and it is complete. Bobby Trinh who is the owner of House of Chin, Inc. has submitted his fingerprints to the clerk which have been forwarded to CBI. Staff has not received those results back. The clerk stated that staff recommends approval of the application contingent upon receiving favorable results on the background of Mr. Trinh.

The clerk also explained that she has posted the premises for the 10 days as required by law and has not received any comments for or against the application. She presented Cynthia Hale with Hale Bookkeeping and Bobby Trinh.

Ms. Hale reported that they have a petition signed by various individuals throughout the community in favor of the liquor license for House of Chin, Inc. She also stated that they did contact neighbors around them and they are also in favor.

The Mayor called for public comment and when there was none she closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Sisson and seconded by Councilmember Seuell to approve the Beer and Wine Liquor License for House of Chin, Inc. contingent on receiving favorable fingerprints on the President of the business. All in favor, motion carried.

Resolution #6, 2010: Authorizing Construction for Confluence Drive**Resolution #6, 2010**

A RESOLUTION OF THE CITY COUNCIL OF DELTA, COLORADO
AUTHORIZING CONSTRUCTION OF A NEW THOROUGHFARE (ALTERNATE
TRUCK ROUTE) IN THE CITY LIMITS TO BE KNOWN AS CONFLUENCE
DRIVE AND TO BE PARTIALLY FUNDED BY MONIES FROM GRANT
SOURCES AND CITIZEN APPROVED REVENUE BONDS

was read by the Clerk.

City Manager Joe Kerby stated that at a work session that was held two weeks ago there was consensus amongst Council to have staff bring to them a resolution for their consideration. He also stated that the next agenda item is tied together with this. He reported that staff would

Regular Meeting, Delta City Council, June 1, 2010 (Cont.)

Resolution #6, 2010 (cont.)

like to discuss this resolution with Council and ask Council to either pass or amend the resolution; or give other direction as they may see fit.

Mr. Kerby presented the following updates:

- Additional funding options that may be available. However, some of those options are not timely with the possible timing of the project as it relates to possible ballot initiatives.
- Met with engineer to get a better idea on the timing of the project final design and the issuance of bonds.
- Meeting with CDOT on Thursday regarding access permits, the potential of CDOT being interested in taking on the truck route in the future and the hazardous materials route.

Public Works Director Jim Hatheway reported that staff is working with the engineer to get some mock bids to ensure that the estimates are accurate. He hopes to have those bids by the end of June.

Mr. Kerby stated what he is looking at as far as a Council perspective is if Council adopts the resolution tonight there will still be the opportunity for Council to withdraw from pursuing the project. Once staff receives the mock bids, they would like to take some time to review those bids and then bring those before Council. He stated that the commit date he is looking at will be July 15h. Mr. Kerby also stated that all of this information is predicated on the ballot initiatives on the November ballot.

Mr. Kerby presented Council information regarding sales tax for the City of Delta over the last 10 years.

Mayor Cooper summarized staff's request that they work on Resolution #6, 2010 at this time and bring back Resolution #7, 2010.

Mr. Kerby stated that is correct. He stated that Resolution #6, 2010 does refer to the bonding. However, Resolution #7, 2010 was prepared by the bond attorney which authorizes moving forward with the issuance on the bonds.

City Attorney Michael Schottelkotte stated that if Council is thinking in terms of postponing the decision on the bonds he would recommend changing the wording or removing the paragraph with the information on the bonds.

Councilmember Pfalzgraff questioned if they would address that issue in paragraph #3 and how would that work.

Mr. Kerby stated that they would bring it back at a later date subsequent to receiving the mock bids and prior to July 15th.

Mr. Schottelkotte questioned deadlines on the DOLA grant.

Mr. Hatheway stated that they have 12 months from the date of award and 4 years to spend the money with the project completed in its entirety within those 4 years.

Mr. Kerby pointed out that in Resolution #6, 2010 under paragraph #3 the figure that is included does not reflect the DOLA grant. He recommended that Council remove paragraph #3.

Councilmember Jurca stated that there are so many loose ends. He also stated that he does not have a lot of faith in mock bids.

Mr. Kerby stated that they are 3 to 5 months away from receiving actual bids. He explained the reasoning for the mock bids. He also stated that they wouldn't be going down this road if there wasn't concern over the ballot initiatives.

Mr. Hatheway stated that there are two companies that are very interested in this project and they are willing to do the mock bids.

Mr. Kerby commented on the hazard materials route and provided additional information regarding that said route.

Regular Meeting, Delta City Council, June 1, 2010 (Cont.)

Resolution #6, 2010 (cont.)

Councilmember Sisson stated that they will not commit until the actual route is there.

Mayor Cooper commented on the emergency services to North Delta even if the route is not able to be a hazard materials route. She questioned Mr. Schottelkotte if this would bind them to anything.

Mr. Schottelkotte reported that they are authorizing staff to take various steps and explained that they are not authorizing staff to proceed with the bonding at this time.

Mr. Hatheway stated that this allows staff to finish the design on the two lane road with four lane bridges. This would also allow staff to negotiate for right of way. He commented on the DOLA grant.

Councilmember Jurca questioned on what staff is trying to accomplish with this Resolution. There are items that are on the Resolution that are already being done.

Mr. Kerby stated that staff is needing clear directives from Council on how staff should proceed. This Resolution will provide formal documentation giving staff that direction. If Council chooses not to adopt this resolution he would ask that Council give clear directives on how they wish to proceed.

Mr. Kerby commented on Amendment 61 which would impose borrowing constraints and explained how that would affect this project. He presented Council with some additional funding options that have been brought to staff's attention recently.

There was discussion regarding the possibility of federal dollars that are funneled thru CDOT.

Mayor Cooper stated that if the project is postponed the cost is going to go up. She stated that the voters spoke in favor of this project going forward with the bonding.

There were additional comments regarding the hazardous materials concern.

Councilmember Jurca stated that there are only two items that need addressed are the DOLA grant and final design.

Mr. Kerby stated that at the next meeting there will be an agenda item regarding the right of way acquisitions.

Councilmember Seuell questioned if this will put them in a position of having to complete the project.

Mr. Kerby stated that between now and July 15th there is still the option of not moving forward.

Councilmember Pfalzgraff stated that once the bonds are issued there is no turning back.

Councilmember Jurca commented on the amendment 61 and stated he is not concerned at this point.

Councilmember Pfalzgraff feels that there are no issues in approving this resolution. This resolution is formalizing what has and continues to be done now.

There was discussion amongst Council regarding omitting paragraph #3 within the resolution.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Resolution #6, 2010 with the removal of paragraph #3. Roll call vote: Councilmembers Seuell aye, Jurca nay, Pfalzgraff aye, Sisson aye and Cooper aye. Motion carried.

Resolution #7, 2010; Authorizing Revenue Bond Financing for Confluence Drive

Resolution #7, 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA,
COLORADO, DIRECTING THE CITY STAFF TO PROCEED WITH THE
REVENUE BOND FINANCING IDENTIFIED IN BALLOT ISSUE 2A

Regular Meeting, Delta City Council, June 1, 2010 (Cont.)

Resolution #7, 2010 (cont.)

APPROVED AT THE CITY ELECTION HELD ON NOVEMBER 3, 2009;
AND DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF
WITH THE PROCEEDS OF THE REVENUE BOND FINANCING FOR
CAPITAL EXPENDITURES UNDERTAKEN OR TO BE UNDERTAKEN
BY THE CITY IN CONNECTION WITH BALLOT ISSUE 2A

was read by the clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Seuell to deny the adoption of Resolution #7, 2010. Roll call vote: Councilmembers Seuell aye, Jurca aye, Pfalzgraff aye, Sisson aye and Cooper aye. Motion carried.

City Attorney Comments

There were none.

City Manager Comments

City Manager Joe Kerby commented on the following items:

- Medical marijuana webinar presented by CML which was attended by staff.
- Retreat that is scheduled for June 8th at 6:00pm.
- Work session regarding the expansion of the recreation center on June 15th.
- Golf course property development.
- CDOT meeting regarding Confluence Drive will be held on Thursday.
- Municipal quarterly meeting.
- Heritage Days is scheduled for June 12th from 9:00am to 3:00pm.

There was discussion regarding the golf course property development and there was a consensus to have that item listed on a Council Agenda in the future.

Councilmember Comments

Councilmember Pfalzgraff reminded everyone of Ride the Rockies on June 14th.

The meeting was adjourned at 7:58 p.m.

Jolene E. Nelson, City Clerk